

PATENT  
Customer No. 22,852  
Attorney Docket No. 04329.2620-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Hiroshi NOMURA et al. ) Parent Group Art Unit: 2851  
Cont. of Application No.: 09/923,443 ) Parent Examiner: D. Esplin  
Filed: Herewith )  
For: EVALUATION MASK, FOCUS )  
MEASURING METHOD AND )  
ABERRATION MEASURING )  
METHOD )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed together with the above-referenced continuation application.

Copies of the listed documents were previously submitted by Applicants or cited by the Examiner in prior application No. 09/923,443, filed August 8, 2001, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a concise statement of relevance of the non-English language document.

1. Japanese Publication No. 11-237310 is discussed at page 28, lines 23-27 of the present application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 9, 2003

By:  Reg 24,014  
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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	04329.2620-01	Cont. of Appln. No.	09/923,443
Applicant	Hiroshi NOMURA et al.		
Filing Date	Herewith	Prior Group:	2851

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,908,656	03/1990	Suwa et al.			
	5,300,786	04/1994	Brunner et al.			
	5,789,118	08/1998	Liu et al.			
	5,948,571	09/1999	Mih et al.			
	6,011,611	01/2000	Nomura et al.			
	6,091,486	07/2000	Kirk			
	6,114,096	09/2000	Mih et al.			
	6,130,747	10/2000	Nomura et al.			
	6,171,739	01/2001	Spence et al.			
	6,310,679	10/2001	Shiraishi			

FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
		11-237310	08/1999	Japan			No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	T.A. Brunner et al., "QUANTITATIVE STEPPER METROLOGY USING THE FOCUS MONITOR TEST MASK", Optical/Laser Microlithography VII, Timothy A. Brunner ed., Proc. SPIE, Vol. 2197, pp 541-549 (1994).
	J.P. Kirk et al., "APPLICATION OF BLAZED GRATINGS FOR DETERMINATION OF EQUIVALENT PRIMARY AZIMUTHAL ABERRATIONS", Optical Microlithography XII, Luc Van den Hove ed., Proc. SPIE. Vol. 3679, 70-76 (1999)
	Kirk, "ASTIGMATISM AND FIELD CURVATURE FROM PIN-BARS," March 6-8, 1991, SPIE, 1463:282-291

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce